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OFFICE OF PETITIONS

FitzPatrick, Cella Harper & Scinto 30 Rockefeller Plaza New York, New York 10112-3801

In re Application of Koyanagi et al. Application No. 10/693,859 Patent No. 6,952,551 B2 Filed: October 28, 2003 Attorney Docket No. 03500.017664

: DECISION REGARDING PTA

This decision is in response to Applicants' "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT" filed on November 23, 2005 asserting that incorrectly determined the amount of days for USPTO and/or applicant's delay. The Office thanks applicants for their good faith and candor in bring this letter to the attention of the Office.

Applicants letter is **GRANTED.** The Office will increase the amount of applicant delay occurring during the prosecution of the application by an additional 22 days. The Office will *sua sponte* issue a certificate of correction reflecting that the correct amount of PTA at the time of the issuance of the patent is 22 days.

Applicants are given 30 days to respond to this decision. If applicants agree with this decision, applicant need not reply. No extensions of time will be granted under 37 CFR 1.136.

The Office notes that the date of receipt of the drawings was improperly entered into the PALM record as June 29, 2005 rather than the actual date of June 6, 2005. Accordingly, the delay for the drawing submission under 37 CFR 1.704(c)(10) was 120 days not 98 days. The Office delayed 142 days under 37 CFR 1.702(a)(1) and applicants delayed 120 days under 37 CFR 1.704 (c)(10). Accordingly, the correct amount of PTA is 22 (142-120 = 22) days.

After the mailing of the Office action, the file will be forwarded to the certificate of correction branch to await the 30 day response period and then issue the certificate of correction

Because applicants have submitted this letter in response to good faith and candor, the Office will not assess any fees concerning the amount of Patent Term Adjustment.

Any questions concerning this determination should be directed to Kery Fries, Senior Legal Advisor, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy at 571-272-7757.

Kay Fe

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

CC: Adjusted PAIR calculation
Draft Certificate of Correction

Day: Sunday Date: 6/25/2006

Time: 16:08:06

# PALM INTRANET

PTA Calculations for Application: 10/693859					
Application Filing Date:	10/28/2003	PTO Delay (PTO):	142		
Issue Date of Patent:	10/04/2005	Three Years:	0		
Pre-Issue Petitions:	0	Applicant Delay (APPL):	98		
Post-Issue Petitions:	0	Total PTA (days):	22		
PTO Delay Adjustment:	-22				

File Contents History								
Number	Date	Contents Description	PTO	APPL	START			
37	06/25/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		22				
32	10/04/2005	PATENT ISSUE DATE USED IN PTA CALCULATION						
31	08/12/2005	RECEIPT INTO PUBS						
30	08/12/2005	DISPATCH TO FDC						
29	08/12/2005	APPLICATION IS CONSIDERED READY FOR ISSUE						
28	06/29/2005	WORKFLOW - DRAWINGS FINISHED		98				
27	06/29/2005	ISSUE FEE PAYMENT VERIFIED						
26	06/29/2005	ISSUE FEE PAYMENT RECEIVED						
25	06/20/2005	WORKFLOW - FILE SENT TO CONTRACTOR						
24	05/29/2005	005 EXPORT TO INITIAL DATA CAPTURE						
23	05/19/2005	MAIL NOTICE OF ALLOWANCE	142		-1			
22	05/19/2005	MAIL FORMAL DRAWINGS REQUIRED						
21	05/18/2005	ISSUE REVISION COMPLETED						
20	05/16/2005	FORMAL DRAWINGS REQUIRED						
19	05/16/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED						
18	05/16/2005	NOTICE OF ALLOWABILITY						
17	09/26/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE						
16	04/28/2004	CORRECTED FILING RECEIPT						
15	01/13/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)						
		REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)						
13		2003 REFERENCE CAPTURE ON IDS						
		INFORMATION DISCLOSURE STATEMENT (IDS)						

12	12/09/2003			
11	10/28/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
10	09/26/2004	CASE DOCKETED TO EXAMINER IN GAU		
9	08/24/2004	APPLICATION RETURN FROM OIPE		
8	08/24/2004	APPLICATION RETURN TO OIPE		
7	08/24/2004	APPLICATION DISPATCHED FROM OIPE		
6	08/24/2004	APPLICATION IS NOW COMPLETE		
4	01/20/2004	CLEARED BY OIPE CSR		
3	01/20/2004	CASE CLASSIFIED BY L&R		
2	12/10/2003	IFW SCAN & PACR AUTO SECURITY REVIEW		
1	10/28/2003	INITIAL EXAM TEAM NN		

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### **EXPLANATION OF PTA CALCULATION**

# **EXPLANATION OF PTE CALCULATION**

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### DRAFT

# UNITED STATES PATENT AND TRADEMARK OFFICE

# **CERTIFICATE OF CORRECTION**

PATENT

6,952.551 B2

DATED

Oct. 4, 2005

INVENTOR(S):

Koyanagi et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (44) days

Delete the phrase "by 44 days" and insert – by 22 days--



# (12) United States Patent

Koyanagi et al.

(10) Patent No.:

US 6,952,551 B2

(45) Date of Patent:

Oct. 4, 2005

(54)	DEVELOPER CARRYING MEMBER AND
	DEVELOPING APPARATUS

(75) Inventors: Masato Koyanagi, Shizuoka (JP); Yasuyuki Ishii, Shizuoka (JP)

Assignee: Canon Kabushiki Kaisha, Tokyo (JP)

Subject to any disclaimer, the term of this patent is extended or adjusted under 35

U.S.C. 154(b) by 44 days.

(21) Appl. No.: 10/693,859

Notice:

(22)Filed: Oct. 28, 2003

(65)**Prior Publication Data** 

US 2004/0240910 A1 Dec. 2, 2004

#### Foreign Application Priority Data (30)

(51) Int C17		C03C 15/08
Oct. 20, 2003	(JP)	 2003-359898
Oct. 30, 2002	(JP)	 2002-310890

(52) U.S. Cl. ...... 399/286

(58) Field of Search ...... 399/286, 279, 399/265; 492/30, 59

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Scinto

Primary Examiner—Susan Lee (74) Attorney, Agent, or Firm-Fitzpatrick, Cella, Harper &

#### **ABSTRACT** (57)

The invention provides a developer carrying member for carrying a developer for developing an electrostatic image formed on an image bearing member, including an elastic layer, and a surface layer provided on a surface of the developer carrying member and including a resin and particles, wherein the particles have a property of being frictionally charged in a polarity opposite to a normal charging polarity of the developer, and the particles are exposed from the surface in an area rate within a range from 15 to 60% with respect to a surface area of the developer carrying member. In this manner, an uneven heating of the toner image can be suppressed even if the recording material generates an undulation after passing a nip.

### 20 Claims, 10 Drawing Sheets

